

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
vs.	)	Case. No. CR-94-0175-HE
	)	
STEVEN GRAY,	)	
	)	
Defendant.	)	

**ORDER**


Movant Steven Gray, a state prisoner currently in the custody of the Oklahoma Department of Corrections, has filed a “Motion to Expedite and/or Excelerate [sic] Execution of Sentence” [Doc. No. 80]. Consistent with 28 U.S.C. § 626(b)(3), the motion was referred for initial proceedings to Magistrate Judge Bana Roberts, who issued a Report and Recommendation recommending that the motion be denied.

The magistrate concluded that, through the motion at issue, Mr. Gray is attempting to challenge the execution of either his state or federal sentence. Because such claims must be brought in a separate civil action petitioning for writ of habeas corpus pursuant to 28 U.S.C. § 2241, the magistrate recommended that the motion be denied.

Mr. Gray has failed to make timely objection to the Report and Recommendation and, thus, has waived his right to appellate review of both the factual and legal issues contained therein. Moore v. United States, 950 F.3d 656 (10th Cir. 1991). Accordingly, the court **ADOPTS** the Report and Recommendation in its entirety and **DENIES** the motion.

**IT IS SO ORDERED.**

Dated this 25th day of January, 2010.



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JOE HEATON  
UNITED STATES DISTRICT JUDGE